

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
United States Patent and Trademark
Office
Box PCT
Washington, D.C.20231
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 14 June 2000 (14.06.00)	
International application No. PCT/GB99/03472	Applicant's or agent's file reference PU3556/PCT
International filing date (day/month/year) 20 October 1999 (20.10.99)	Priority date (day/month/year) 22 October 1998 (22.10.98)
Applicant DOW, Gordon, J. et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:
16 May 2000 (16.05.00)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland

Facsimile No.: (41-22) 740.14.35

Authorized officer

Olivia RANAIVOJAONA

Telephone No.: (41-22) 338.83.38

PATENT COOPERATION TREATY

PCT

From the INTERNATIONAL BUREAU

NOTIFICATION OF THE RECORDING
OF A CHANGE(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

To:

CRAWLEY, Karen
Glaxo Wellcome plc
Glaxo Wellcome House
Berkeley Avenue
Greenford
Middlesex UB6 0NN
ROYAUME-UNI

Date of mailing (day/month/year) 11 April 2001 (11.04.01)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference PU3556/PCT	
International application No. PCT/GB99/03472	International filing date (day/month/year) 20 October 1999 (20.10.99)

1. The following indications appeared on record concerning:		
<input checked="" type="checkbox"/> the applicant	<input checked="" type="checkbox"/> the inventor	<input type="checkbox"/> the agent <input type="checkbox"/> the common representative
Name and Address RAJAGOPALAN, Rukmini Glaxo Wellcome Inc. Five Moore Drive Research Triangle Park, NC 27709 United States of America	State of Nationality US	State of Residence US
	Telephone No.	
	Facsimile No.	
	Teleprinter No.	
2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:		
<input type="checkbox"/> the person	<input type="checkbox"/> the name	<input checked="" type="checkbox"/> the address <input type="checkbox"/> the nationality <input type="checkbox"/> the residence
Name and Address RAJAGOPALAN, Rukmini GlaxoSmithKline c/o Corporate Intellectual Property Department Five Moore Drive P.O. Box 13398 Research Triangle Park, NC 27709 United States of America	State of Nationality US	State of Residence US
	Telephone No.	
	Facsimile No.	
	Teleprinter No.	
3. Further observations, if necessary:		
4. A copy of this notification has been sent to:		
<input checked="" type="checkbox"/> the receiving Office	<input type="checkbox"/> the designated Offices concerned	
<input type="checkbox"/> the International Searching Authority	<input checked="" type="checkbox"/> the elected Offices concerned	
<input type="checkbox"/> the International Preliminary Examining Authority	<input type="checkbox"/> other:	

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer I. Britel
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38

PATENT COOPERATION TREATY

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ROYAUME-UNI

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Applicant's or agent's file reference PU3556/PCT	
International application No. PCT/GB99/03472	International filing date (day/month/year) 20 October 1999 (20.10.99)

1. The following indications appeared on record concerning:									
<input checked="" type="checkbox"/> the applicant	<input checked="" type="checkbox"/> the inventor <input type="checkbox"/> the agent <input type="checkbox"/> the common representative								
Name and Address JOHNSON, Keith, Arthur Glaxo Wellcome Inc. Five Moore Drive Research Triangle Park, NC 27709 United States of America	<table border="1"> <tr> <td>State of Nationality US</td> <td>State of Residence US</td> </tr> <tr> <td colspan="2">Telephone No.</td> </tr> <tr> <td colspan="2">Facsimile No.</td> </tr> <tr> <td colspan="2">Teleprinter No.</td> </tr> </table>	State of Nationality US	State of Residence US	Telephone No.		Facsimile No.		Teleprinter No.	
State of Nationality US	State of Residence US								
Telephone No.									
Facsimile No.									
Teleprinter No.									
2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:									
<input type="checkbox"/> the person <input type="checkbox"/> the name <input checked="" type="checkbox"/> the address <input type="checkbox"/> the nationality <input type="checkbox"/> the residence									
Name and Address JOHNSON, Keith, Arthur GlaxoSmithKline c/o Corporate Intellectual Property Department Five Moore Drive P.O. Box 13398 Research Triangle Park, NC 27709 United States of America	<table border="1"> <tr> <td>State of Nationality US</td> <td>State of Residence US</td> </tr> <tr> <td colspan="2">Telephone No.</td> </tr> <tr> <td colspan="2">Facsimile No.</td> </tr> <tr> <td colspan="2">Teleprinter No.</td> </tr> </table>	State of Nationality US	State of Residence US	Telephone No.		Facsimile No.		Teleprinter No.	
State of Nationality US	State of Residence US								
Telephone No.									
Facsimile No.									
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4. A copy of this notification has been sent to:									
<input checked="" type="checkbox"/> the receiving Office	<input type="checkbox"/> the designated Offices concerned								
<input type="checkbox"/> the International Searching Authority	<input checked="" type="checkbox"/> the elected Offices concerned								
<input type="checkbox"/> the International Preliminary Examining Authority	<input type="checkbox"/> other:								

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer I. Britel
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38

PATENT COOPERATION TREATY

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NOTIFICATION OF THE RECORDING
OF A CHANGE(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

CRAWLEY, Karen
Glaxo Wellcome plc
Glaxo Wellcome House
Berkeley Avenue
Greenford
Middlesex UB6 0NN
ROYAUME-UNI

Date of mailing (day/month/year) 11 April 2001 (11.04.01)	IMPORTANT NOTIFICATION International filing date (day/month/year) 20 October 1999 (20.10.99)
Applicant's or agent's file reference PU3556/PCT	
International application No. PCT/GB99/03472	

1. The following indications appeared on record concerning: <input checked="" type="checkbox"/> the applicant <input checked="" type="checkbox"/> the inventor <input type="checkbox"/> the agent <input type="checkbox"/> the common representative		
Name and Address KELLY, Frances, Furr Glaxo Wellcome Inc. Five Moore Drive Research Triangle Park, NC 27709 United States of America	State of Nationality US	State of Residence US
	Telephone No.	
	Facsimile No.	
	Teleprinter No.	
2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning: <input type="checkbox"/> the person <input type="checkbox"/> the name <input checked="" type="checkbox"/> the address <input type="checkbox"/> the nationality <input type="checkbox"/> the residence		
Name and Address KELLY, Frances, Furr GlaxoSmithKline c/o Corporate Intellectual Property Department Five Moore Drive P.O. Box 13398 Research Triangle Park, NC 27709 United States of America	State of Nationality US	State of Residence US
	Telephone No.	
	Facsimile No.	
	Teleprinter No.	
3. Further observations, if necessary:		
4. A copy of this notification has been sent to: <input checked="" type="checkbox"/> the receiving Office <input type="checkbox"/> the designated Offices concerned <input type="checkbox"/> the International Searching Authority <input checked="" type="checkbox"/> the elected Offices concerned <input type="checkbox"/> the International Preliminary Examining Authority <input type="checkbox"/> other:		

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer I. Britel Telephone No.: (41-22) 338.83.38
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PATENT COOPERATION TREATY

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From the INTERNATIONAL BUREAU

NOTIFICATION OF THE RECORDING
OF A CHANGE(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

To:

CRAWLEY, Karen
Glaxo Wellcome plc
Glaxo Wellcome House
Berkeley Avenue
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ROYAUME-UNI

Date of mailing (day/month/year) 11 April 2001 (11.04.01)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference PU3556/PCT	
International application No. PCT/GB99/03472	International filing date (day/month/year) 20 October 1999 (20.10.99)

1. The following indications appeared on record concerning:

☒ the applicant ☒ the inventor ☐ the agent ☐ the common representative

Name and Address

LATHROP, Robert, William
Dow Pharmaceutical Science
1330A Redwoodway
Petaluma, CA 94954
United States of America

State of Nationality

US

State of Residence

US

Telephone No.

Facsimile No.

Teleprinter No.

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

☐ the person ☐ the name ☒ the address ☐ the nationality ☐ the residence

Name and Address

LATHROP, Robert, William
GlaxoSmithKline
c/o Corporate Intellectual
Property Department
Five Moore Drive
P.O. Box 13398
Research Triangle Park, NC 27709
United States of America

State of Nationality

US

State of Residence

US

Telephone No.

Facsimile No.

Teleprinter No.

3. Further observations, if necessary:

4. A copy of this notification has been sent to:

<input checked="" type="checkbox"/> the receiving Office	<input type="checkbox"/> the designated Offices concerned
<input type="checkbox"/> the International Searching Authority	<input checked="" type="checkbox"/> the elected Offices concerned
<input type="checkbox"/> the International Preliminary Examining Authority	<input type="checkbox"/> other:

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer I. Britel Telephone No.: (41-22) 338.83.38
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PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference PU3556/PCT	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/GB 99/ 03472	International filing date (day/month/year) 20/10/1999	(Earliest) Priority Date (day/month/year) 22/10/1998
Applicant GLAXO GROUP LIMITED et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☐ None of the figures.

INTERNATIONAL SEARCH REPORT

International Application No

T/GB 99/03472

A. CLASSIFICATION OF SUBJECT MATTER
 IPC 7 A61K31/57 A61K7/48 A61K31/56

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 92 14472 A (GLAXO GROUP LTD) 3 September 1992 (1992-09-03) example 1 page 2, line 7 claims	1,5,18, 21,22
Y	EP 0 042 827 A (AKTIEBOLAGET DRACO) 30 December 1981 (1981-12-30) the whole document	1,2, 5-11,14, 18,21,22

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

° Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

26 January 2000

Date of mailing of the international search report

04/02/2000

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
 NL - 2280 HV Rijswijk
 Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
 Fax: (+31-70) 340-3016

Authorized officer

Pelli Wablat, B

INTERNATIONAL SEARCH REPORT

International Application No

T/GB 99/03472

C.(Continuation) DOCUMENTS CONTAINED TO BE RELEVANT

Category °	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	BLEEHEN S.S ET AL.: BRITISH JOURNAL OF DERMATOLOGY, vol. 133, no. 4, - 1995 pages 592-597, XP000864345 page 592, left-hand column, last paragraph page 593, left-hand column, line 33 - line 38 page 594, line 8 - line 18 -----	1,2, 5-11,14, 18,21,22
A	SPENCER CAROLINE M: ET AL: BIODRUGS, vol. 7, no. 4, - 1997 pages 318-334, XP000864346 the whole document -----	1,2,5, 18,21,22

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

CT/GB 99/03472

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
W0 9214472	A	03-09-1992	AT 114244 T	15-12-1994
			AU 1277792 A	15-09-1992
			CA 2104677 A	23-08-1992
			DE 69200711 D	05-01-1995
			DK 573492 T	09-01-1995
			EP 0573492 A	15-12-1993
			ES 2064166 T	16-01-1995
			GR 3015014 T	31-05-1995
			MX 9200728 A	01-10-1992

EP 042827	A	30-12-1981	DD 159736 A	06-04-1983
			DK 262681 A	20-12-1981
			ES 503132 A	16-04-1982
			FI 811745 A	20-12-1981
			GR 74568 A	29-06-1984
			JP 57031700 A	20-02-1982
			NO 812075 A	21-12-1981
			PT 73215 A,B	01-07-1981
			SE 8004580 A	20-12-1981
			US 4363806 A	14-12-1982
			ZA 8103465 A	30-06-1982

INTERNATIONAL SEARCH REPORT

.onal Application No

PCT/GB 99/03472

A. CLASSIFICATION OF SUBJECT MATTER
 IPC 7 A61K31/57 A61K7/48 A61K31/56

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
 IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 92 14472 A (GLAXO GROUP LTD) 3 September 1992 (1992-09-03) example 1 page 2, line 7 claims	1, 5, 18, 21, 22
Y	EP 0 042 827 A (AKTIEBOLAGET DRACO) 30 December 1981 (1981-12-30) the whole document -/--	1, 2, 5-11, 14, 18, 21, 22

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents :

- "A" document defining the general state of the art which is not considered to be of particular relevance
- "E" earlier document but published on or after the international filing date
- "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- "O" document referring to an oral disclosure, use, exhibition or other means
- "P" document published prior to the international filing date but later than the priority date claimed

- "T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- "&" document member of the same patent family

Date of the actual completion of the international search

Date of mailing of the international search report

26 January 2000

04/02/2000

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
 NL - 2280 HV Rijswijk
 Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
 Fax: (+31-70) 340-3016

Authorized officer

Pelli Wablat, B

INTERNATIONAL SEARCH REPORT

ional Application No

PCT/GB 99/03472

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	BLEEHEN S.S ET AL.: BRITISH JOURNAL OF DERMATOLOGY, vol. 133, no. 4, - 1995 pages 592-597, XP000864345 page 592, left-hand column, last paragraph page 593, left-hand column, line 33 - line 38 page 594, line 8 - line 18 ----	1,2, 5-11,14, 18,21,22
A	SPENCER CAROLINE M: ET AL: BIODRUGS, vol. 7, no. 4, - 1997 pages 318-334, XP000864346 the whole document -----	1,2,5, 18,21,22

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/GB 99/03472

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 9214472	A	03-09-1992	AT 114244 T	15-12-1994
			AU 1277792 A	15-09-1992
			CA 2104677 A	23-08-1992
			DE 69200711 D	05-01-1995
			DK 573492 T	09-01-1995
			EP 0573492 A	15-12-1993
			ES 2064166 T	16-01-1995
			GR 3015014 T	31-05-1995
			MX 9200728 A	01-10-1992
EP 042827	A	30-12-1981	DD 159736 A	06-04-1983
			DK 262681 A	20-12-1981
			ES 503132 A	16-04-1982
			FI 811745 A	20-12-1981
			GR 74568 A	29-06-1984
			JP 57031700 A	20-02-1982
			NO 812075 A	21-12-1981
			PT 73215 A,B	01-07-1981
			SE 8004580 A	20-12-1981
			US 4363806 A	14-12-1982
			ZA 8103465 A	30-06-1982

PATENT COOPERATION TREATY

PCT/PCT Rec'd

20 APR 2000

PCT

From the INTERNATIONAL SEARCHING AUTHORITY

To:
GLAXO WELLCOME PLC
Glaxo Wellcome House
Attn. CRAWLEY, KAREN
Berkeley Avenue
Greenford
Middlesex UB6 0NN
UNITED KINGDOM

Global Intellectual Property	
RECEIVED	INIT
10 FEB 2000	
ACTION DATE	ATTN
	FILE

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT
OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing
(day/month/year) 04/02/2000

Applicant's or agent's file reference

PU3556/PCT

FOR FURTHER ACTION See paragraphs 1 and 4 below

International application No.

PCT/GB 99/ 03472

International filing date
(day/month/year)

20/10/1999

Applicant

GLAXO GROUP LIMITED et al.

1. ☒ The applicant is hereby notified that the International Search Report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally 2 months from the date of transmittal of the International Search Report; however, for more details, see the notes on the accompanying sheet.

Where? Directly to the International Bureau of WIPO
34, chemin des Colombettes
1211 Geneva 20, Switzerland
Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no International Search Report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Further action(s): The applicant is reminded of the following:

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later).

Within 20 months from the priority date, the applicant must perform the prescribed acts for entry into the national phase before all designated Offices which have not been elected in the demand or in a later election within 19 months from the priority date or could not be elected because they are not bound by Chapter II.

Name and mailing address of the International Searching Authority

 European Patent Office, P.B. 5818 Patentlaan 2
NL-2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Doreen Golze

Express Mail Label
EL395942518US

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the PCT Applicant's Guide, a publication of WIPO.

In these Notes, "Article", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only.

What parts of the International application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Administrative Instructions, Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers; claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the same time of filing the amendments with the International Bureau, also file a copy of such amendments with the International Preliminary Examining Authority (see Rule 62.2(a), first sentence).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, where upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see Volume II of the PCT Applicant's Guide.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference PU3556/PCT	FOR FURTHER ACTION <small>see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.</small>	
International application No. PCT/GB 99/03472	International filing date (day/month/year) 20/10/1999	(Earliest) Priority Date (day/month/year) 22/10/1998
Applicant GLAXO GROUP LIMITED et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

- a. With regard to the language, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

- b. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ Certain claims were found unsearchable (See Box I).

3. ☐ Unity of invention is lacking (see Box II).

4. With regard to the title,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the abstract,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the drawings to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☐ because this figure better characterizes the invention.

☐ None of the figures.

INTERNATIONAL SEARCH REPORT

International Application No

PC 99/03472

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A61K31/57 A61K7/48 A61K31/56

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
BA X	WO 92 14472 A (GLAXO GROUP LTD) 3 September 1992 (1992-09-03) example 1 page 2, line 7 claims	1,5,18, 21,22
BB Y	EP 0 042 827 A (AKTIEBOLAGET DRACO) 30 December 1981 (1981-12-30) the whole document -/--	1,2, 5-11,14, 18,21,22

☒ Further documents are listed in the continuation of box C.☒ Patent family members are listed in annex.

* Special categories of cited documents :

"A" document defining the general state of the art which is not considered to be of particular relevance

"E" earlier document but published on or after the international filing date

"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

"O" document referring to an oral disclosure, use, exhibition or other means

"P" document published prior to the international filing date but later than the priority date claimed

"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

"&" document member of the same patent family

Date of the actual completion of the international search

26 January 2000

Date of mailing of the international search report

04/02/2000

Name and mailing address of the ISA

European Patent Office, P.B. 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel. (+31-70) 340-2040, Tx. 31 651 epo nl,
Fax: (+31-70) 340-3016

Authorized officer

Pelli Wablat, B

INTERNATIONAL SEARCH REPORT

International Application No

PCT/IB 99/03472

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
CA Y	BLEEHEN S.S ET AL.: BRITISH JOURNAL OF DERMATOLOGY, vol. 133, no. 4, - 1995 pages 592-597, XP000864345 page 592, left-hand column, last paragraph page 593, left-hand column, line 33 - line 38 page 594, line 8 - line 18 -----	1,2, 5-11,14, 18,21,22
18 A	SPENCER CAROLINE M: ET AL: BIODRUGS, vol. 7, no. 4, - 1997 pages 318-334, XP000864346 the whole document -----	1,2,5, 18,21,22

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PO B 99/03472

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
WO 9214472 A	03-09-1992	AT 114244 T	15-12-1994
		AU 1277792 A	15-09-1992
		CA 2104677 A	23-08-1992
		DE 69200711 D	05-01-1995
		DK 573492 T	09-01-1995
		EP 0573492 A	15-12-1993
		ES 2064166 T	16-01-1995
		GR 3015014 T	31-05-1995
		MX 9200728 A	01-10-1992
EP 042827 A	30-12-1981	DD 159736 A	06-04-1983
		DK 262681 A	20-12-1981
		ES 503132 A	16-04-1982
		FI 811745 A	20-12-1981
		GR 74568 A	29-06-1984
		JP 57031700 A	20-02-1982
		NO 812075 A	21-12-1981
		PT 73215 A, B	01-07-1981
		SE 8004580 A	20-12-1981
		US 4363806 A	14-12-1982
		ZA 8103465 A	30-06-1982

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT Rec'd 20 APR 2001
PCT

To:

FILLER, Wendy A.
GLAXO WELLCOME PLC
Glaxo Wellcome House
Berkeley Avenue
Greenford
Middlesex UB6 0NN
GRANDE BRETAGNE

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL PRELIMINARY
EXAMINATION REPORT
(PCT Rule 71.1)

Date of mailing
(day/month/year) 06.03.2001

Applicant's or agent's file reference
PU3556/WO

IMPORTANT NOTIFICATION

International application No.
PCT/GB99/03472

International filing date (day/month/year)
20/10/1999

Priority date (day/month/year)
22/10/1998

Applicant
GLAXO GROUP LIMITED et al.

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices) (Article 39(1)) (see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/



European Patent Office
D-80293 Munich
Tel. +49 89 2399-0 Tx: 523556 epmu d
Fax: +49 89 2399-4465

Authorized officer

Senkel, H

Tel. +49 89 2399-8071



Form PCT/IPEA/416 (July 1992)



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EL395942518US

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PU3556/WO		FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/GB99/03472	International filing date (day/month/year) 20/10/1999	Priority date (day/month/year) 22/10/1998	
International Patent Classification (IPC) or national classification and IPC A61K31/57			
Applicant GLAXO GROUP LIMITED et al.			
<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 7 sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of sheets.</p> <p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none">I <input checked="" type="checkbox"/> Basis of the reportII <input type="checkbox"/> PriorityIII <input checked="" type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicabilityIV <input type="checkbox"/> Lack of unity of inventionV <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statementVI <input type="checkbox"/> Certain documents citedVII <input type="checkbox"/> Certain defects in the international applicationVIII <input type="checkbox"/> Certain observations on the international application			
Date of submission of the demand 16/05/2000		Date of completion of this report 06.03.2001	
Name and mailing address of the International preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4485		Authorized officer Heller, D Telephone No. +49 89 2399 8746 	

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**International application No. **PCT/GB99/03472****I. Basis of the report**

1. This report has been drawn on the basis of *(substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments (Rules 70.16 and 70.17).)*
Description, pages:

1-19 as originally filed

Claims, No.:

1-24 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: . which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**International application No. **PCT/GB99/03472**

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application.

☒ - claims Nos. 21-24.

because:

☒ the said international application, or the said claims Nos. 21-24 relate to the following subject matter which does not require an international preliminary examination (*specify*):
see separate sheet

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.

☐ no international search report has been established for the said claims Nos. .

2. A meaningful international preliminary examination report cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:

☐ the written form has not been furnished or does not comply with the standard.

☐ the computer readable form has not been furnished or does not comply with the standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

Novelty (N)

Yes: Claims 2-4, 6-13, 15-17, 19, 20, 23, 24
No: Claims 1, 5, 14, 18, 21, 22

Inventive step (IS)

Yes: Claims
No: Claims 1-24

Industrial applicability (IA)

Yes: Claims see sections III and V

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/GB99/03472**

No: Claims

2. Citations and explanations
see separate sheet

INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET

International application No. PCT/GB99/03472

SECTION III:

Claims 21 to 24 relate to subject-matter considered by this Authority to be covered by the provisions of Rule 67.1(iv) PCT. Consequently, no opinion will be formulated with respect to the industrial applicability of the subject-matter of these claims (Article 34(4)(a)(i) PCT).

SECTION V:

Prior art

Reference is made to the following documents:

D1 (WO 92 14472 A) relates to topical pharmaceutical compositions containing fluticasone propionate and oxiconazole as active ingredients (p. 1, §1).

D2 (EP-A-0 042 827) is concerned with pharmaceutical compositions for topical application containing a corticosteroid as the active ingredient (p. 1, §1).

D3 (BLEEHEN S.S. et al.) compares the efficacy and safety of once-daily with twice-daily applications of a 0.05% cream formulation of fluticasone propionate in the treatment of atopic eczema in adults and children (abstract).

D4 (SPENCER C.M. et al.) discloses a review of fluticasone propionate, its pharmacological properties and therapeutic uses in the treatment of dermatological disorders (title).

Novelty

The subject-matter of claims 1, 5, 14, 18, 21 and 22 is not new in the sense of Article 33 (2) PCT.

The following claims are not new over the following documents with their cited passages:

INTERNATIONAL PRELIMINARY

EXAMINATION REPORT - SEPARATE SHEET

International application No. PCT/GB99/03472

Claim 1:	D1:	example 1
Claim 5:	D1:	example 1
Claim 14:	D1:	example 1
Claim 18:	D1:	example 1
Claim 21:	D1:	example 1, p. 1, §3 and 4
Claim 22:	D1:	example 1, p. 1, §3 and 4

While D2 discloses the same auxiliary components as present claim 1 (p. 2, §3 to p. 3, §3), it is silent to the active substance fluticasone. Therefore, D2 does not anticipate novelty of present claims 1 to 24.

D3 discloses the auxiliary components as claimed in claim 1 (p. 593, left col., §4), but it is silent to the percentage of the said components. Further, it describes well the treatment of skin diseases (atopic eczema) with fluticasone (abstract; p. 592, left col. §1; p. 594, right col. §2). D3 does not anticipate novelty of present claims 1 to 24.

D4 gives an overview to the active substance fluticasone and its uses.

Inventive step

The subject-matter of claims 1 to 24 does not involve an inventive step in the sense of Article 33 (3) PCT.

For claims 1, 5, 14, 18, 21 and 22 the following applies:

Even if the applicant is able to establish novelty it cannot be seen that any particular aspect of the application as filed would involve an inventive step under Article 33 (3) PCT in the light of the relevant prior art.

For claims 2, 6, 7, 9, 12, 13, 15 to 17 the following applies:

The additional features of said claims can be determined by routine experiments and are therefore not inventive in the sense of Article 33 (3) PCT.

For claims 3 and 4 the following applies:

The additional features of claims 3 and 4 can be determined as alternatives and are therefore not inventive in the sense of Article 33 (3) PCT.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB99/03472

For claims 8, 10, 11, 19, 20, 23 and 24 the following applies:
The additional features of claims 8, 10, 11, 19, 20, 23 and 24 can be determined by routine experiments and are therefore not inventive in the sense of Article 33 (3) PCT.

Industrial applicability

For the assessment of the present claims 21 to 24 on the question whether they are industrially applicable, no unified criteria exist in the PCT Contracting States. The patentability can also be dependent upon the formulation of the claims. The EPO, for example, does not recognize as industrially applicable the subject-matter of claims to the use of a compound in medical treatment, but may allow, however, claims to a known compound for first use in medical treatment and the use of such a compound for the manufacture of a medicament for a new medical treatment.

For the EPO the following applies:

Claims 14 and 15 are directed to the use of a medicament for the inhibition of a biological mechanism; such a use cannot be patented, since it is not considered as relating to a therapeutic application in the meaning of the decision of the Enlarged Board of Appeal Gr.05/83, O.J. 1/1983, page 64, according to which only the use of the composition of claim 1 for the manufacture of a medicament for a new and inventive therapeutic application could be patentable.

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

GB 99/03472

Patent document cited in search report		Publication date	Patent family member(s)	Publication date
WO 9214472	A	03-09-1992	AT 114244 T	15-12-1994
			AU 1277792 A	15-09-1992
			CA 2104677 A	23-08-1992
			DE 69200711 D	05-01-1995
			DK 573492 T	09-01-1995
			EP 0573492 A	15-12-1993
			ES 2064166 T	16-01-1995
			GR 3015014 T	31-05-1995
			MX 9200728 A	01-10-1992
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EP 042827	A	30-12-1981	DD 159736 A	06-04-1983
			DK 262681 A	20-12-1981
			ES 503132 A	16-04-1982
			FI 811745 A	20-12-1981
			GR 74568 A	29-06-1984
			JP 57031700 A	20-02-1982
			NO 812075 A	21-12-1981
			PT 73215 A, B	01-07-1981
			SE 8004580 A	20-12-1981
			US 4363806 A	14-12-1982
			ZA 8103465 A	30-06-1982

PCT

REQUEST

The undersigned requests that the present International application be processed according to the Patent Cooperation Treaty

For receiving Office use only

International Application No.

International Filing Date

Name of receiving Office and "PCT International Application"

Applicant's or agent's file reference
(if desired) (12 characters maximum) PU3556/PCT

Box No. I	TITLE OF INVENTION Fluticasone Lotion Having Improved Vasoconstrictor Activity	
Box No. II	APPLICANT	
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below). Glaxo Group Limited Glaxo Wellcome House Berkeley Avenue Greenford, Middlesex UB6 0NN, GB		<input type="checkbox"/> This person is also inventor. Telephone No. 0171 493 4060 Facsimile No. 0181 966 8838 Teleprinter No. 25456
State (i.e. country) of nationality: GB		State (i.e. country) of residence: GB
This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input checked="" type="checkbox"/> all designated States except the United States of America <input type="checkbox"/> the United States of America only <input type="checkbox"/> the States indicated in the Supplemental Box		
Box No. III	FURTHER APPLICANTS AND/OR (FURTHER) INVENTORS	
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below). DOW, Gordon J Dow Pharmaceutical Science 1330A Redwoodway Alhambra CA 9454 US		This person is: <input type="checkbox"/> applicant only <input checked="" type="checkbox"/> applicant and inventor <input type="checkbox"/> inventor only (If this check-box is marked, do not fill in below.)
State (i.e. country) of nationality: US		State (i.e. country) of residence: US
This person is applicant for the purposes of: <input type="checkbox"/> all designated States <input type="checkbox"/> all designated States except the United States of America <input checked="" type="checkbox"/> the United States of America only <input type="checkbox"/> the States indicated in the Supplemental Box		
<input checked="" type="checkbox"/> Further applicants and/or (further) inventors are indicated on a continuation sheet.		
Box No. IV	AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCE	
The person identified below is hereby/has been appointed to act on behalf of the applicant(s) before the competent International Authorities as: <input checked="" type="checkbox"/> agent <input type="checkbox"/> common representative		
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country). CRAWLEY, Karen Glaxo Wellcome plc Glaxo Wellcome House, Berkeley Avenue Greenford, Middlesex UB6 0NN GB		Telephone No.: 0171-493-4060 Facsimile No.: 0181-966-8838 Teleprinter No.: 25456
<input type="checkbox"/> Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate the address to which correspondence should be sent.		

Express Mail Label
EL395942518US

July 1998)

See Notes to the request form

Continuation of Box No. III FURTHER APPLICANTS AND/OR (FURTHER) INVENTORS

If none of the following sub-boxes is used, this sheet is not to be included in the request.

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

JOHNSON, Keith Arthur
Glaxo Wellcome Inc.
Five Moore Drive
Research Triangle Park
North Carolina 27709
US

This person is:

- ☐ applicant only
☒ applicant and inventor
☐ inventor only (If this check-box is marked, do not fill in below.)

State (i.e. country) of nationality:
US

State (i.e. country) of residence:
US

This person is applicant for the purposes of: ☐ all designated States ☐ all designated States except the United States of America ☒ the United States of America only ☐ The States indicated in The Supplemental Box

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

KELLY, Frances Furr
Glaxo Wellcome Inc.
Five Moore Drive
Research Triangle Park
North Carolina 27709
US

This person is:

- ☐ applicant only
☒ applicant and inventor
☐ inventor only (If this check-box is marked, do not fill in below.)

State (i.e. country) of nationality:
US

State (i.e. country) of residence:
US

This person is applicant for the purposes of: ☐ all designated States ☐ all designated States except the United States of America ☒ the United States of America only ☐ The States indicated in The Supplemental Box

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

LATHROP, Robert William
Dow Pharmaceutical Science
1330A Redwoodway
Emeryville
CA 9454
US

This person is:

- ☐ applicant only
☒ applicant and inventor
☐ inventor only (If this check-box is marked, do not fill in below.)

State (i.e. country) of nationality:
US

State (i.e. country) of residence:
US

This person is applicant for the purposes of: ☐ all designated States ☐ all designated States except the United States of America ☒ the United States of America only ☐ The States indicated in The Supplemental Box

Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country. The country of the address indicated in this Box is the applicant's State (that is, country) of residence if no State of residence is indicated below.)

RAJAGOPALAN, Rukmini
Glaxo Wellcome Inc.
Five Moore Drive
Research Triangle Park
North Carolina 27709, US

This person is:

- ☐ applicant only
☒ applicant and inventor
☐ inventor only (If this check-box is marked, do not fill in below.)

State (i.e. country) of nationality:
US

State (i.e. country) of residence:
US

This person is applicant for the purposes of: ☐ all designated States ☐ all designated States except the United States of America ☒ the United States of America only ☐ The States indicated in The Supplemental Box

☐ Further applicants and/or (further) inventors are indicated on a continuation sheet.

Box No. V DESIGNATION OF STATES

The following designations are hereby made under Rule 4.9(a) (mark the applicable check-boxes; at least one must be marked):

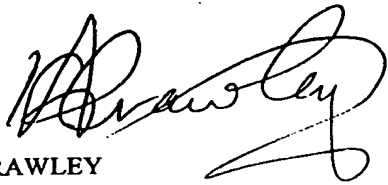
Regional Patent

- ☒ **AP** ARIPO Patent: GH Ghana, GM Gambia, KE Kenya, LS Lesotho, MW Malawi, SD Sudan, SL Sierra Leone, SZ Swaziland, UG Uganda, ZW Zimbabwe, and any other State which is a Contracting State of the Harare Protocol and of the PCT
- ☒ **EA** Eurasian Patent: AM Armenia, AZ Azerbaijan, BY Belarus, KG Kyrgyzstan, KZ Kazakstan, MD Republic of Moldova, RU Russian Federation, TJ Tajikistan, TM Turkmenistan, and any other State which is a Contracting State of the Eurasian Patent Convention and of the PCT
- ☒ **EP** European Patent: AT Austria, BE Belgium, CH and LI Switzerland and Liechtenstein, CY Cyprus, DE Germany, DK Denmark, ES Spain, FI Finland, FR France, GB United Kingdom, GR Greece, IE Ireland, IT Italy, LU Luxembourg, MC Monaco, NL Netherlands, PT Portugal, SE Sweden, and any other State which is a Contracting State of the European Patent Convention and of the PCT
- ☒ **OA** OAPI Patent: BF Burkina Faso, BJ Benin, CF Central African Republic, CG Congo, CI Côte d'Ivoire, CM Cameroon, GA Gabon, GN Guinea, GW Guinea Bissau, ML Mali, MR Mauritania, NE Niger, SN Senegal, TD Chad, TG Togo, and any other State which is a member State of OAPI and a Contracting State of the PCT (if other kind of protection or treatment desired, specify on dotted line).....

National Patent (if other kind of protection or treatment desired, specify on dotted line):

- | | |
|-------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> AE United Arab Emirates | <input checked="" type="checkbox"/> LR Liberia |
| <input checked="" type="checkbox"/> AL Albania..... | <input checked="" type="checkbox"/> LS Lesotho..... |
| <input checked="" type="checkbox"/> AM Armenia..... | <input checked="" type="checkbox"/> LT Lithuania |
| <input checked="" type="checkbox"/> AT Austria..... | <input checked="" type="checkbox"/> LU Luxembourg |
| <input checked="" type="checkbox"/> AU Australia..... | <input checked="" type="checkbox"/> LV Latvia |
| <input checked="" type="checkbox"/> AZ Azerbaijan | <input checked="" type="checkbox"/> MD Republic of Moldova..... |
| <input checked="" type="checkbox"/> BA Bosnia and Herzegovina | <input checked="" type="checkbox"/> MG Madagascar..... |
| <input checked="" type="checkbox"/> BB Barbados | <input checked="" type="checkbox"/> MK The former Yugoslav Republic of Macedonia |
| <input checked="" type="checkbox"/> BG Bulgaria..... | |
| <input checked="" type="checkbox"/> BR Brazil..... | <input checked="" type="checkbox"/> MN Mongolia |
| <input checked="" type="checkbox"/> BY Belarus..... | <input checked="" type="checkbox"/> MW Malawi..... |
| <input checked="" type="checkbox"/> CA Canada | <input checked="" type="checkbox"/> MX Mexico..... |
| <input checked="" type="checkbox"/> CH and LI Switzerland and Liechtenstein | <input checked="" type="checkbox"/> NO Norway |
| <input checked="" type="checkbox"/> CN China..... | <input checked="" type="checkbox"/> NZ New Zealand..... |
| <input checked="" type="checkbox"/> CU Cuba..... | <input checked="" type="checkbox"/> PL Poland..... |
| <input checked="" type="checkbox"/> CZ Czech Republic..... | <input checked="" type="checkbox"/> PT Portugal..... |
| <input checked="" type="checkbox"/> DE Germany..... | <input checked="" type="checkbox"/> RO Romania |
| <input checked="" type="checkbox"/> DK Denmark..... | <input checked="" type="checkbox"/> RU Russian Federation..... |
| <input checked="" type="checkbox"/> EE Estonia..... | <input checked="" type="checkbox"/> SD Sudan |
| <input checked="" type="checkbox"/> ES Spain..... | <input checked="" type="checkbox"/> SE Sweden |
| <input checked="" type="checkbox"/> FI Finland..... | <input checked="" type="checkbox"/> SG Singapore |
| <input checked="" type="checkbox"/> GB United Kingdom | <input checked="" type="checkbox"/> SI Slovenia..... |
| <input checked="" type="checkbox"/> GD Grenada | <input checked="" type="checkbox"/> SK Slovakia..... |
| <input checked="" type="checkbox"/> GE Georgia..... | <input checked="" type="checkbox"/> SL Sierra Leone |
| <input checked="" type="checkbox"/> GH Ghana..... | <input checked="" type="checkbox"/> TJ Tajikistan..... |
| <input checked="" type="checkbox"/> GM Gambia | <input checked="" type="checkbox"/> TM Turkmenistan..... |
| <input checked="" type="checkbox"/> HR Croatia | <input checked="" type="checkbox"/> TR Turkey..... |
| <input checked="" type="checkbox"/> HU Hungary..... | <input checked="" type="checkbox"/> TT Trinidad and Tobago..... |
| <input checked="" type="checkbox"/> ID Indonesia | <input checked="" type="checkbox"/> UA Ukraine..... |
| <input checked="" type="checkbox"/> IL Israel..... | <input checked="" type="checkbox"/> UG Uganda..... |
| <input checked="" type="checkbox"/> IN India..... | <input checked="" type="checkbox"/> US United States of America..... |
| <input checked="" type="checkbox"/> IS Iceland | <input checked="" type="checkbox"/> UZ Uzbekistan..... |
| <input checked="" type="checkbox"/> JP Japan..... | <input checked="" type="checkbox"/> VN Viet Nam..... |
| <input checked="" type="checkbox"/> KE Kenya..... | <input checked="" type="checkbox"/> YU Yugoslavia..... |
| <input checked="" type="checkbox"/> KG Kyrgyzstan..... | <input checked="" type="checkbox"/> ZA South Africa |
| <input checked="" type="checkbox"/> KP Democratic People's Republic of Korea..... | <input checked="" type="checkbox"/> ZW Zimbabwe |
| | Check-boxes reserved for designating States which have become party to the PCT after issuance of this sheet. |
| <input checked="" type="checkbox"/> KR Republic of Korea..... | <input checked="" type="checkbox"/> CR Costa Rica..... |
| <input checked="" type="checkbox"/> KZ Kazakstan..... | |
| <input checked="" type="checkbox"/> LC Saint Lucia | <input checked="" type="checkbox"/> DM Dominica..... |
| <input checked="" type="checkbox"/> LK Sri Lanka | <input checked="" type="checkbox"/> MA Morocco..... |
| | <input checked="" type="checkbox"/> TZ Tanzania..... |

Precautionary Designation Statement: In addition to the designations made above, the applicant also makes under Rule 4.9(b) all other designations which would be permitted under the PCT except any designation(s) indicated in the Supplemental Box as being excluded from the scope of this statement. The applicant declares that those additional designations are subject to confirmation and that any designation which is not confirmed before the expiration of 15 months from the priority date is to be regarded as withdrawn by the applicant at the expiration of that time limit. (Confirmation of a designation consists of the filing of a notice specifying that designation and the payment of the designation and confirmation fees. Confirmation must reach the receiving Office within the 15-month time limit.)

Box No. VI PRIORITY CLAIM		<input type="checkbox"/> Further priority claims are indicated in the Supplemental Box		
		Where earlier application is		
Filing Date of Earlier Application (day/month/year)	Number Of earlier application	national application: country	regional application: * regional Office	International application: Receiving Office
item (1) (22.10.98) 22 October 1998	9823036.0	GB		
item (2)				
item (3)				
<input checked="" type="checkbox"/> The receiving Office is requested to prepare and transmit to the International Bureau a certified copy of the earlier application(s) (only if the earlier application was filed with the Office which for the purposes of the present international application is the receiving Office) identified above as item(s): <u>(1)</u> * Where the earlier application is an ARIPO application, it is mandatory to indicate in the Supplemental Box at least one country party to the Paris Convention for the Protection of Industrial Property for which that earlier application was filed (Rue 4.10(b)(ii)). See Supplemental Box.				
Box No. VII INTERNATIONAL SEARCHING AUTHORITY				
Choice of International Searching Authority (ISA) (if two or more International Searching Authorities are competent to carry out the international search, indicate the authority chosen; the two-letter code may be used): <u>ISA/</u>		Request to use results of earlier search; reference to that search (if an earlier search has been carried out by or requested from the International Searching Authority): Date (day/month/year) Number Country (or regional office)		
Box. VIII CHECK LIST; LANGUAGE OF FILING				
This international application contains the following number of sheets: request : 4 description (excluding sequence listing part) : 19 claims : 4 abstract : 1 drawings : sequence listing part of description : Total number of sheets : 28		This international application is accompanied by the item(s) marked below: 1. <input checked="" type="checkbox"/> fee calculation sheet 2. <input type="checkbox"/> separate signed power of attorney 3. <input type="checkbox"/> copy of general power of attorney; reference number, if any: 4. <input type="checkbox"/> statement explaining lack of signature 5. <input type="checkbox"/> priority document(s) identified in Box No. VI as item(s): 6. <input type="checkbox"/> translation of international application into (language): 7. <input type="checkbox"/> separate indications concerning deposited microorganism or other biological material 8. <input type="checkbox"/> nucleotide and/or amino acid sequence listing in computer readable form 9. <input type="checkbox"/> other (specify):		
Figure of the drawings which should accompany the abstract:		Language of filing of the International application: English		
Box No. IX SIGNATURE OF APPLICANT OR AGENT				
to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the request).				
				
Karen CRAWLEY Agent for the Applicants				
For receiving Office use only				
1. Date of actual receipt of the purported international application _____ 3. Corrected date of actual receipt due to later but timely received papers or drawings completing the purported international application: _____ 4. Date of timely receipt of the required corrections under PCT Article 11(2): _____			2. Drawings <input type="checkbox"/> received: <input type="checkbox"/> not received:	
5. International Searching Authority specified by the applicant: <u>ISA/</u>			6. <input type="checkbox"/> Transmittal of search copy delayed until search fee is paid	
For International Bureau use only				
Date of receipt of the record copy by the International Bureau _____				

INTERNATIONAL PRELIMINARY EXAMINATION REPORT



(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PU3556/WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/GB99/03472	International filing date (day/month/year) 20/10/1999	Priority date (day/month/year) 22/10/1998
International Patent Classification (IPC) or national classification and IPC A61K31/57		
Applicant GLAXO GROUP LIMITED et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 7 sheets, including this cover sheet.
- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☒ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 16/05/2000	Date of completion of this report 06.03.2001
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Heller, D Telephone No. +49 89 2399 8746 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB99/03472

I. Basis of the report

1. This report has been drawn on the basis of *(substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments (Rules 70.16 and 70.17).):*

Description, pages:

1-19 as originally filed

Claims, No.:

1-24 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:
☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No. PCT/GB99/03472

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

III. Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

1. The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non-obvious), or to be industrially applicable have not been examined in respect of:

- ☐ the entire international application.
- ☒ claims Nos. 21-24.

because:

- ☒ the said international application, or the said claims Nos. 21-24 relate to the following subject matter which does not require an international preliminary examination (*specify*):
see separate sheet
 - ☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. are so unclear that no meaningful opinion could be formed (*specify*):
 - ☐ the claims, or said claims Nos. are so inadequately supported by the description that no meaningful opinion could be formed.
 - ☐ no international search report has been established for the said claims Nos. .
2. A meaningful international preliminary examination report cannot be carried out due to the failure of the nucleotide and/or amino acid sequence listing to comply with the standard provided for in Annex C of the Administrative Instructions:
- ☐ the written form has not been furnished or does not comply with the standard.
 - ☐ the computer readable form has not been furnished or does not comply with the standard.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims 2-4, 6-13, 15-17, 19, 20, 23, 24
	No: Claims 1, 5, 14, 18, 21, 22
Inventive step (IS)	Yes: Claims
	No: Claims 1-24
Industrial applicability (IA)	Yes: Claims see sections III and V

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/GB99/03472

No: Claims

2. Citations and explanations
see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB99/03472

SECTION III:

Claims 21 to 24 relate to subject-matter considered by this Authority to be covered by the provisions of Rule 67.1(iv) PCT. Consequently, no opinion will be formulated with respect to the industrial applicability of the subject-matter of these claims (Article 34(4)(a)(i) PCT).

SECTION V:

Prior art

Reference is made to the following documents:

D1 (WO 92 14472 A) relates to topical pharmaceutical compositions containing fluticasone propionate and oxiconazole as active ingredients (p. 1, §1).

D2 (EP-A-0 042 827) is concerned with pharmaceutical compositions for topical application containing a corticosteroid as the active ingredient (p. 1, §1).

D3 (BLEEHEN S.S. et al.) compares the efficacy and safety of once-daily with twice-daily applications of a 0.05% cream formulation of fluticasone propionate in the treatment of atopic eczema in adults and children (abstract).

D4 (SPENCER C.M. et al.) discloses a review of fluticasone propionate, its pharmacological properties and therapeutic uses in the treatment of dermatological disorders (title).

Novelty

The subject-matter of claims 1, 5, 14, 18, 21 and 22 is not new in the sense of Article 33 (2) PCT.

The following claims are not new over the following documents with their cited passages:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB99/03472

Claim 1:	D1:	example 1
Claim 5:	D1:	example 1
Claim 14:	D1:	example 1
Claim 18:	D1:	example 1
Claim 21:	D1:	example 1, p. 1, §3 and 4
Claim 22:	D1:	example 1, p. 1, §3 and 4

While D2 discloses the same auxiliary components as present claim 1 (p. 2, §3 to p. 3, §3), it is silent to the active substance fluticasone. Therefore, D2 does not anticipate novelty of present claims 1 to 24.

D3 discloses the auxiliary components as claimed in claim 1 (p. 593, left col., §4), but it is silent to the percentage of the said components. Further, it describes well the treatment of skin diseases (atopic eczema) with fluticasone (abstract; p. 592, left col. §1; p. 594, right col. §2). D3 does not anticipate novelty of present claims 1 to 24.

D4 gives an overview to the active substance fluticasone and its uses.

Inventive step

The subject-matter of claims 1 to 24 does not involve an inventive step in the sense of Article 33 (3) PCT.

For claims 1, 5, 14, 18, 21 and 22 the following applies:

Even if the applicant is able to establish novelty it cannot be seen that any particular aspect of the application as filed would involve an inventive step under Article 33 (3) PCT in the light of the relevant prior art.

For claims 2, 6, 7, 9, 12, 13, 15 to 17 the following applies:

The additional features of said claims can be determined by routine experiments and are therefore not inventive in the sense of Article 33 (3) PCT.

For claims 3 and 4 the following applies:

The additional features of claims 3 and 4 can be determined as alternatives and are therefore not inventive in the sense of Article 33 (3) PCT.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/GB99/03472

For claims 8, 10, 11, 19, 20, 23 and 24 the following applies:

The additional features of claims 8, 10, 11, 19, 20, 23 and 24 can be determined by routine experiments and are therefore not inventive in the sense of Article 33 (3) PCT.

Industrial applicability

For the assessment of the present claims 21 to 24 on the question whether they are industrially applicable, no unified criteria exist in the PCT Contracting States. The patentability can also be dependent upon the formulation of the claims. The EPO, for example, does not recognize as industrially applicable the subject-matter of claims to the use of a compound in medical treatment, but may allow, however, claims to a known compound for first use in medical treatment and the use of such a compound for the manufacture of a medicament for a new medical treatment.

For the EPO the following applies:

Claims 14 and 15 are directed to the use of a medicament for the inhibition of a biological mechanism; such a use cannot be patented, since it is not considered as relating to a therapeutic application in the meaning of the decision of the Enlarged Board of Appeal Gr.05/83, O.J. 1/1983, page 64, according to which only the use of the composition of claim 1 for the manufacture of a medicament for a new and inventive therapeutic application could be patentable.

PCTWORLD INTELLECTUAL PROPERTY ORGANIZATION
International Bureau

INTERNATIONAL APPLICATION PUBLISHED UNDER THE PATENT COOPERATION TREATY (PCT)

(51) International Patent Classification ⁷ : A61K 31/57, 7/48, 31/56	A1	(11) International Publication Number: WO 00/24401 (43) International Publication Date: 4 May 2000 (04.05.00)
(21) International Application Number: PCT/GB99/03472 (22) International Filing Date: 20 October 1999 (20.10.99) (30) Priority Data: 9823036.0 22 October 1998 (22.10.98) GB (71) Applicant (for all designated States except US): GLAXO GROUP LIMITED [GB/GB]; Glaxo Wellcome House, Berkeley Avenue, Greenford, Middlesex UB6 0NN (GB). (72) Inventors; and (75) Inventors/Applicants (for US only): DOW, Gordon, J. [US/US]; Dow Pharmaceutical Science, 1330A Redwoodway, Petaluma, CA 94954 (US). JOHNSON, Keith, Arthur [US/US]; Glaxo Wellcome Inc., Five Moore Drive, Research Triangle Park, NC 27709 (US). KELLY, Frances, Furr [US/US]; Glaxo Wellcome Inc., Five Moore Drive, Research Triangle Park, NC 27709 (US). LATHROP, Robert, William [US/US]; Dow Pharmaceutical Science, 1330A Redwoodway, Petaluma, CA 94954 (US). RAJAGOPALAN, Rukmini [US/US]; Glaxo Wellcome Inc., Five Moore Drive, Research Triangle Park, NC 27709 (US).		(74) Agent: CRAWLEY, Karen; Glaxo Wellcome plc, Glaxo Wellcome House, Berkeley Avenue, Greenford, Middlesex UB6 0NN (GB). (81) Designated States: AE, AL, AM, AT, AU, AZ, BA, BB, BG, BR, BY, CA, CH, CN, CR, CU, CZ, DE, DK, DM, EE, ES, FI, GB, GD, GE, GH, GM, HR, HU, ID, IL, IN, IS, JP, KE, KG, KP, KR, KZ, LC, LK, LR, LS, LT, LU, LV, MA, MD, MG, MK, MN, MW, MX, NO, NZ, PL, PT, RO, RU, SD, SE, SG, SI, SK, SL, TJ, TM, TR, TT, TZ, UA, UG, US, UZ, VN, YU, ZA, ZW, ARIPO patent (GH, GM, KE, LS, MW, SD, SL, SZ, TZ, UG, ZW), Eurasian patent (AM, AZ, BY, KG, KZ, MD, RU, TJ, TM), European patent (AT, BE, CH, CY, DE, DK, ES, FI, FR, GB, GR, IE, IT, LU, MC, NL, PT, SE), OAPI patent (BF, BJ, CF, CG, CI, CM, GA, GN, GW, ML, MR, NE, SN, TD, TG). Published <i>With international search report.</i>
(54) Title: FLUTICASONE LOTION HAVING IMPROVED VASOCONSTRICTOR ACTIVITY (57) Abstract A fluticasone lotion having improved vasoconstrictor and anti-inflammatory activity and higher than expected potency. The fluticasone lotion contains 0.05 weight percent fluticasone propionate and an oil-in-water vehicle that includes excipients. The fluticasone lotion is unexpectedly efficacious while exhibiting an improved safety profile.		